

FILED

UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

IN THE DISTRICT COURT OF THE UNITED STATES

FOR THE DISTRICT OF NEW MEXICO

JUN 09 2011

cmf

MATTHEW J. DYKMAN
CLERK

UNITED STATES OF AMERICA

Plaintiff,

vs.

JUAN MATA,

Defendant.

Case No.: CR 09-3078 JB

PLEA AGREEMENT

Pursuant to Rule 11(c)(1)(C), Fed. R. Crim. P., the parties notify the Court of the following agreement between the United States Attorney for the District of New Mexico, the Defendant, JUAN MATA, and the Defendant's counsel, JEAN A. McCRAY:

REPRESENTATION BY COUNSEL

1. The Defendant understands the Defendant's right to be represented by an attorney and is so represented. The Defendant has thoroughly reviewed all aspects of this case with the Defendant's attorney and is fully satisfied with that attorney's legal representation.

RIGHTS OF THE DEFENDANT

2. The Defendant further understands the Defendant's rights:
 - a. to be prosecuted by indictment;
 - b. to plead not guilty, or having already so pleaded to persist in that plea;
 - c. to have a trial by jury; and
 - d. at a trial:
 - 1) to confront and cross-examine adverse witnesses,
 - 2) to be protected from compelled self-incrimination,
 - 3) to compel the attendance of witnesses for the defense.

WAIVER OF RIGHTS AND PLEA OF GUILTY

3. The Defendant agrees to waive these rights and to plead guilty to an Information, charging a violation of 18 U.S.C. Section 4, that being Misprision of a Felony.

SENTENCING

4. The Defendant understands that the maximum penalty the Court can impose is:
 - a. imprisonment for a period of not more than three (3) years;
 - b. a fine not to exceed the greater of \$250,000 or twice the pecuniary gain to the defendant or pecuniary loss to the victim;
 - c. a mandatory term of supervised release of one (1) year that must follow any term of imprisonment. (If the defendant serves a term

of imprisonment, is then released on supervised release, and violates the conditions of supervised release, the Defendant's supervised release could be revoked – even on the last day of the term—and the Defendant could then be returned to another period of incarceration and a new term of supervised release.);

- d. a mandatory special penalty assessment of \$100.00; and
- e. restitution as may be ordered by the Court.

5. Pursuant to Fed. R. Crim. P. 11(c)(1)(C), the parties agree that Defendant shall receive a probated sentence.

DEFENDANT'S ADMISSION OF FACTS

6. By my signature on this plea agreement, I am acknowledging that I am pleading guilty because I am, in fact, guilty of the offense to which I am pleading guilty. I recognize and accept responsibility for my criminal conduct. Moreover, in pleading guilty, I acknowledge that if I chose to go to trial instead of entering this plea, the United States could prove facts sufficient to establish my guilt of the offense to which I am pleading guilty beyond a reasonable doubt. I specifically admit the following facts related to the charges against me, and declare under penalty of perjury that all of these facts are true and correct:

On or about May 21, 2009, in San Juan County, in the State and District of New Mexico, the Defendant, JUAN MATA, having knowledge of the actual commission of a felony, to wit: a federal felony offense, did conceal the same and

did not as soon as possible make known the same to some judge or other person in civil or military authority under the United States.

7. By signing this agreement, the Defendant admits that there is a factual basis for each element of the crime to which the Defendant will plead guilty. The Defendant agrees that the Court may rely on any of these facts, as well as facts in the presentence report, to determine the Defendant's sentence, pursuant to the sentencing agreement included herein.

STIPULATIONS

8. The United States and the Defendant stipulate as follows:

The parties agree that Defendant shall be given a period of probation.

9. The Defendant understands that the above stipulations are not binding on the Court and that whether the Court accepts these stipulations is a matter solely within the discretion of the Court after it has reviewed the presentence report. However, if the Court rejects any or all of these stipulations, the parties agree that Defendant may withdraw his plea of guilty.

DEFENDANT'S ADDITIONAL OBLIGATIONS

10. The Defendant understands the Defendant's obligation to provide the United States Pretrial Services and Probation office with truthful, accurate, and complete information. The defendant represents that the Defendant has complied with and will continue to comply with this obligation.

WAIVER OF APPEAL RIGHTS

11. The Defendant is aware that 28 U.S.C. Section 1291 and 18 U.S.C. Section 3742 afford a Defendant the right to appeal a conviction and the sentence imposed. Acknowledging that, the Defendant knowingly waives the right to appeal the Defendant's conviction and the agreed upon sentence of probation, when imposed by the Court. If the Court does not accept the agreed upon sentence, the Defendant has the right to withdraw his plea of guilty.

GOVERNMENT'S AGREEMENT

12. Provided that the Defendant fulfills the Defendant's obligations as set out above, the United States agrees that:

- a. Defendant shall receive a probated sentence;
- b. Following sentencing, the United States will move to dismiss the indictment.
- c. The United States will not bring additional criminal charges against the Defendant arising out of the facts forming the basis of the present information.

13. This agreement is limited to the United States Attorney's Office for the District of New Mexico and does not bind any other federal, state, or local agencies or prosecuting authorities.

VOLUNTARY PLEA

14. The Defendant agrees and represents that this plea of guilty is freely and voluntarily made and is not the result of force, threats, or promises (other than the promises set forth in this agreement). The Defendant represents that the Defendant is pleading guilty because the Defendant is in fact guilty.

VIOLATION OF PLEA AGREEMENT

15. The Defendant agrees that if the Defendant violates any provision of this agreement, the United States may declare this agreement null and void, and the Defendant will thereafter be subject to prosecution for any criminal violation, including but not limited to any crime(s) or offense(s) contained in or related to the charges in this case, as well as perjury, false statement, obstruction of justice, and any other crime committed by the Defendant during this prosecution.

SPECIAL ASSESSMENT

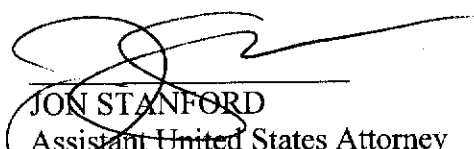
16. At the time of sentencing, the Defendant will tender to the United States District Court, District of New Mexico, 333 Lomas Blvd., NW , Suite 270, Albuquerque, NM 87102, a money order or certified check payable to the order of the United States District Court in the amount of \$100.00 in payment of the special penalty assessment described above.

ENTIRETY OF AGREEMENT


17. This document is a complete statement of the agreement in this case and may not be altered unless done so in writing and signed by all parties.

AGREED TO AND SIGNED this 9th day of June, 2011.

KENNETH GONZALES
United States Attorney



JON STANFORD
Assistant United States Attorney
P.O. Box 607
Albuquerque, NM 87102
(505)-346-7274



JEAN A. MCCRAY
Attorney for Juan Mata
851 Silver Avenue, SW
Albuquerque, NM 87102
ph. 243-3488
fax 243-8688

I have read this agreement and carefully reviewed every part of it with my attorney. I understand the agreement and voluntarily sign it.



JUAN MATA
Defendant